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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/755,049	01/08/2004	Juergen Otten	4604	8705

21553 7590 05/25/2005

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EXAMINER
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TALBOT, MICHAEL

ART UNIT	PAPER NUMBER
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3722

DATE MAILED: 05/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/755,049

Applicant(s)

OTTEN, JUERGEN

Examiner

Michael W Talbot

Art Unit

3722

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 08 January 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 2.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Specification***

1. The disclosure is objected to because of the following informalities:

Refer to page 8, line 20, the character reference "second bail leg 6B" should be changed to read --second bail leg 8--.

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3,7,11 and 12 are rejected under 35 U.S.C. 102(b) as being anticipated by Silver '956. Silver '956 shows in Figures 1-3 a clamping mechanism comprising a clamping bail (1) forming a clamping opening, a first clamping section (3) aligned with a second clamping section (2) facing each other across the clamping opening, the first clamping section further comprising a drill bushing guide element (5) with a hollow guide channel (18) for guiding a drill bit (26) and a removable centering pin (17) axially movable within guide element for positioning a correct drilling position (col. 3, lines 27-38), the second clamping section further comprising a pressure member (8) and a clamping drive comprising a clamping screw (4) and a handle (6) rotatably mounted, an adaptor (14) secured to and in axial alignment with guide element for holding a drill in alignment. Silver '956 shows in Figure 3 a cavity (v-notch) in the pressure member where the drill bit tip can enter when a hole drilling is completed.

### ***Claim Rejections - 35 USC § 103***

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3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Silver '956 in view of Clarke '727. Silver '956 lacks the clamping drive being comprised of cam, an eccentric mounting and a drive lever for securely clamping the workpiece. Clarke '727 shows in Figures 1,3 and 5 a clamping drive having a cam (86), an eccentric mounting (84) and a drive lever (88) for securely clamping the workpiece (14). In view of this teaching of Clarke '727, it is considered to have been obvious to replace the clamping drive mechanism of Silver '956 with another well-known clamping drive mechanism (cam action) to provide a means for quickly and securely clamping and releasing the workpiece.

Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Silver '956 in view of Ende et al. '258. Silver '956 lacks the clamping drive being comprised of a piston cylinder device having a piston with a free end forming a pressure member. Ende et al. '258 shows in Figure 2 a clamping drive (2) having a clamping cylinder (4) and a piston (4B) having a free end forming a pressure member (head of piston). In view of this teaching of Ende et al. '258, it is considered to have been obvious to replace the clamping drive mechanism of Silver '956 with another well-known clamping drive mechanism (pneumatic) to enhance the capabilities of controlling and monitoring the applied clamp pressure.

Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Silver '956 in view of Sarh '022. Silver '956 lacks the clamping mechanism comprised a suction type device in communication with the guide element for extracting drill chips. Sarh '022 shows in Figure 6 a suction type device (100) in communication with the guide element for extracting drill chips via

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suction/vacuum pressure (102). In view of this teaching of Sarh '022, it is considered to have been obvious to modify the clamping mechanism of Silver '956 with a vacuum device of Sarh '022 to prevent the drill chips from clogging-up the drilling area and binding the drill bit thus eliminating excess frictional wear and tear of the drill bit from heat build-up thus resulting in an increase drilling efficiency and drill bit life.

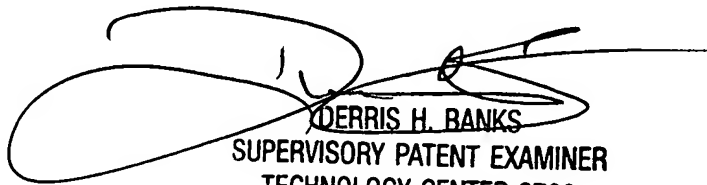
***Allowable Subject Matter***

4. Claims 4,5 and 8 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

5. Any inquiry concerning the content of this communication from the examiner should be directed to Michael W. Talbot, whose telephone number is 571-272-4481. The examiner's office hours are typically 8:30am until 5:00pm, Monday through Friday. The examiner's supervisor, Mr. Derris H. Banks, may be reached at 571-272-4419.

In order to reduce pendency and avoid potential delays, group 3720 is encouraging FAXing of responses to Office Actions directly into the Group at FAX number 703-872-9306. This practice may be used for filling papers not requiring a fee. It may also be used for filing papers, which require a fee, by applicants who authorize charges to a USPTO deposit account. Please identify Examiner Michael W. Talbot of Art Unit 3722 at the top of your cover sheet.

Michael W. Talbot  
Examiner  
Art Unit 3722



DERRIS H. BANKS  
SUPERVISORY PATENT EXAMINER  
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